

**PROFESSIONAL LICENSURE DIVISION[645]**

**Adopted and Filed**

**Rule making related to licensure, criminal convictions, and wallet cards**

The Board of Optometry hereby amends Chapter 180, “Licensure of Optometrists,” and Chapter 183, “Discipline for Optometrists,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 147.76 and chapter 154 and 2020 Iowa Acts, House File 2627.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 147.10 and chapter 154 and 2020 Iowa Acts, House File 2627.

*Purpose and Summary*

These amendments implement the provisions of 2020 Iowa Acts, House File 2627, by (1) updating the Board’s licensure rules to include a reference to a rule in the new 645—Chapter 19 (**ARC 5751C**, IAB 7/14/21), which implements new Iowa Code section 272C.12, and (2) updating the Board’s rules regarding criminal convictions as grounds for discipline. These amendments also remove references to wallet cards.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on February 24, 2021, as **ARC 5458C**. A virtual public hearing was held on March 16, 2021, at 9 a.m. No one attended the public hearing. No public comments were received. One change from the Notice has been made. Item 2 has been revised to amend rule 645—180.3(154) to restructure the rule’s hierarchy so that the new subrule relating to licensure by verification fits with the rest of the rule’s text and to update affected cross-references.

*Adoption of Rule Making*

This rule making was adopted by the Board on April 1, 2021.

*Fiscal Impact*

This rule making has minimal fiscal impact to the State of Iowa. Licensees will no longer need to pay to receive duplicate wallet cards and instead will be able to print their own renewal verification if needed.

*Jobs Impact*

After analysis and review of this rule making, there is a potential positive impact on jobs because individuals who may have been ineligible for licensure may be eligible for licensure as a result of this rule making.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 645—Chapter 18.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on August 18, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **180.2(1)“a”** as follows:

~~a. An applicant shall complete a board-approved an application. Application forms may be obtained from the board's website (www.idph.iowa.gov/licensure) or directly from the board office, or the applicant may complete the application online at ibplicense.iowa.gov. All paper applications shall be sent to the Board of Optometry, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.~~

ITEM 2. Amend rule 645—180.3(154) as follows:

**645—180.3(154) Licensure by endorsement.**

**180.3(1)** An applicant who has been a licensed optometrist under laws of another jurisdiction for three years or more shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

**180.3(1) a.** Submits to the board a completed application;

**180.3(2) b.** Pays the licensure fee;

**180.3(3) c.** Provides an official copy of the transcript sent directly from the school to the board office. The transcript shall show a doctor of optometry degree from an accredited school. In the case of foreign graduates, applicants shall provide evidence of adherence to the current requirements of the NBEO to sit for the NBEO examination;

**180.3(4) d.** Shows evidence of successful completion of the examination of the NBEO that was current at the time of initial licensure or successful completion of the examination that is currently offered by the NBEO;

**180.3(5) e.** Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

~~a.~~ (1) Licensee's name;

~~b.~~ (2) Date of initial licensure;

~~c.~~ (3) Current licensure status; and

~~d.~~ (4) Any disciplinary action taken against the license;

**180.3(6) f.** Provides a statement disclosing and explaining the applicant's involvement in civil litigation related to the practice of optometry in any jurisdiction of the United States, other nations or territories; and

**180.3(7) g.** Provides proof of current CELMO certification. Applicants who provide proof of current CELMO certification satisfy the educational requirements for licensure by endorsement. If an applicant is not CELMO-certified, then the applicant must show evidence of the following:

~~a.~~ (1) The applicant shall supply evidence of completion of a course that has particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa, provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education; and

- ~~b.~~ (2) The applicant shall show evidence on the transcript of:
- (1) ~~1.~~ Forty hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa; and
- (2) ~~2.~~ An additional 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases.
- ~~c.~~ (3) If the transcript does not show evidence of 40 hours of didactic education; 60 hours of approved supervised clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa; and 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases, the applicant shall show satisfactory evidence of completion of a course that includes training in the above-listed areas.
- ~~d.~~ (4) Any transcript that shows graduation from an approved school of optometry after January 2, 1988, meets the requirement of ~~180.3(7)“b.”~~ 180.3(1)“g”(2).
- ~~e.~~ (5) Any transcript that shows graduation from an approved school of optometry after January 2, 1986, meets the requirement of ~~180.3(7)“b”(1)~~ 180.3(1)“g”(1)“1” of 40 hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. Applicants need to also show evidence of completion of the requirement in ~~180.3(7)“b”(2).~~ 180.3(1)“g”(2)“2.”
- ~~f.~~ (6) An applicant for licensure by endorsement shall provide proof of licensure and evidence of three years of active practice in another state, territory or district of the United States immediately preceding the date of application which has a similar scope of practice to that required in Iowa as determined by the board. When the scope of practice is different, the applicant shall make available to the board evidence of completion of additional hours of training related to the area of the deficiency as prescribed by the board. The applicant may be exempt from the requirement of three years of active practice if, during the above-mentioned three-year period, the applicant was:
- (1) ~~1.~~ Teaching optometry;
- (2) ~~2.~~ A military optometrist;
- (3) ~~3.~~ A supervisory or administrative optometrist; or
- (4) ~~4.~~ A researcher in optometry.

~~180.3(8)~~ **180.3(2)** Applicants for licensure by endorsement who were issued their Iowa licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

**180.3(3)** Licensure by verification. A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

ITEM 3. Amend subrule 180.5(5) as follows:

**180.5(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license ~~and shall send the licensee a wallet card by regular mail.~~ In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

ITEM 4. Amend subrule 180.5(6) as follows:

**180.5(6)** A person licensed to practice optometry shall keep the license certificate and ~~wallet card(s)~~ renewal displayed in a conspicuous public place at the primary site of practice.

ITEM 5. Amend subrule 180.5(7) as follows:

**180.5(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the ~~wallet card~~ renewal. The licensee shall be assessed a late fee as specified in 645—subrule 5.12(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

ITEM 6. Rescind subrule 183.2(11) and adopt the following **new** subrule in lieu thereof:

**183.2(11)** Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or the circumstances under which the offense was committed are circumstances customary to the profession.

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